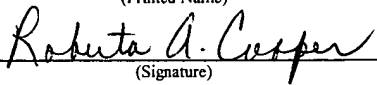




Atty. Dkt. No. 035729-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Ryan
Title: GAS-BORNE MATTER
COLLECTION DEVICE
Appl. No.: 10/808,114
Filing Date: 3/24/2004
Examiner: David A. Redding
Art Unit: 1744
Confirmation No.: 4511

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 962270055 US	03/06/07
(Express Mail Label Number)	(Date of Deposit)
Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop **ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Notice of Allowance dated February 14, 2007, concerning the above-referenced patent application.

The Examiner stated the following:

The prior art of record fails to teach or suggest a collection device comprising a substance comprising a hydrocolloid and at least one nutrient for capturing and maintaining the viable matter in a living state without promoting growth.

While the Applicants agree that the allowed claims recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the

Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or in any other future proceeding.

REMARKS

These Comments on Statement of Reasons for Allowance under 37 C.F.R. § 1.104 are intended to be responsive to the Notice of Allowance dated February 14, 2007.

Respectfully submitted,

Date 3/6/2007

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (313) 234-7150
Facsimile: (313) 234-2800

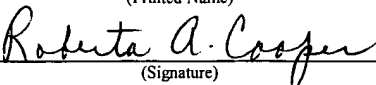
Marcus W. Sprow
Attorney for Applicant
Registration No. 48,580



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Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

ISSUE FEE TRANSMITTAL

Mail Stop **ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find Issue Fee Transmittal Form PTOL-85(B).

A credit card payment form in the amount of \$1,000.00 for payment of the Issue Fee and the Publication Fee is also enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 3/6/2007

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (313) 234-7150
Facsimile: (313) 234-2800

By 

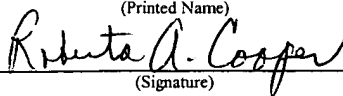
Marcus W. Sprow
Attorney for Applicant
Registration No. 48,580



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Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

TRANSMITTAL

Mail Stop **ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Transmitted herewith are the following documents for the above-identified application..

- [X] Issue Fee Transmittal (2 pages).
- [X] Form PTOL-85(B) (1 page).
- [X] Comments on Statement of Reasons for Allowance (2 pages).
- [X] Credit Card Payment Form in the amount of \$1,000.00 (1 page).

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 3/6/2007

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (313) 234-7150
Facsimile: (313) 234-2800

Marcus W. Sprow
Attorney for Applicant
Registration No. 48,580